

#### असाधारण

## **EXTRAORDINARY**

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# **LOK SABHA**

The following Bill was introduced in Lok Sabha on 7th March, 2001:—

#### BILL No. 18 of 2001

A Bill further to amend the Inter-State Water Disputes Act, 1956.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Inter-State Water Disputes (Amendment) Act, 2001.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

2. In section 1 of the Inter-State Water Disputes Act, 1956 (hereinafter referred to as the principal Act), in sub-section (1), for the words "Inter-State", the words "Inter-State River" shall be substituted.

33 of 1956.

Amendment of section 4.

- 3. In section 4 of the principal Act,---
  - (a) for sub-section (1), the following sub-section shall be substituted, namely:—
  - "(1) When any request under section 3 is received from any State Government in respect of any water dispute and the Central Government is of opinion that the water dispute cannot be settled by negotiations, the Central Government shall, within a period not exceeding one year from the date of receipt of such request, by notification in the Official Gazette, constitute a Water Disputes Tribunal for the adjudication of the water dispute:

Provided that any dispute settled by a Tribunal before the commencement of the Inter-State Water Disputes (Amendment) Act, 2001 shall not be reopened.";

- (b) for sub-section (3), the following sub-section shall be substituted, namely:—
- "(3) The Central Government may, in consultation with the Tribunal, appoint two or more persons as assessors to advise the Tribunal in the proceedings before it.".

Amendment of section 5.

- 4. In section 5 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—
  - "(2) The Tribunal shall investigate the matters referred to it and forward to the Central Government a report setting out the facts as found by it and giving its decision on the matters referred to it within a period of three years:

Provided that if the decision cannot be given for unavoidable reasons, within a period of three years, the Central Government may extend the period for a further period not exceeding two years.

(3) If, upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion that anything therein contained requires explanation or that guidance is needed upon any point not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, within three months from the date of the decision, again refer the matter to the Tribunal for further consideration, and on such reference, the Tribunal may forward to the Central Government a further report within one year from the date of such reference giving such explanation or guidance as it deems fit and in such a case, the decision of the Tribunal shall be deemed to be modified accordingly:

Provided that the period of one year within which the Tribunal may forward its report to the Central Government may be extended by the Central Government, for such further period as it considers necessary.".

Amendment of section 6.

- 5. Section 6 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—
  - "(2) The decision of the Tribunal, after its publication in the Official Gazette by the Central Government under sub-section (1), shall have the same force as an order or decree of the Supreme Court.".

6. In section 9 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

Amendment of section 9.

"(ba) requisitioning of any data, as may be required by it;".

7. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 9A.

"9A. (1) The Central Government shall maintain a data bank and information system at the national level for each river basin which shall include data regarding water resources, land, agriculture, and matters relating thereto, as the Central Government may prescribe from time to time. The State Government shall supply the data to the Central Government or to an agency appointed by the Central Government for the purpose, as and when required.

Maintenance of data bank and information.

- (2) The Central Government shall have powers to verify the data supplied by the State Government, and appoint any person or persons for the purpose and take such measures as it may consider necessary. The person or persons so appointed shall have the powers to summon such records and information from the concerned State Government as are considered necessary to discharge their functions under this section."
- 8. In section 13 of the principal Act, in sub-section (2), for clause (e), the following clause shall be substituted, namely:—

Amendment of section 13.

"(e) the terms and conditions of service of officers and assessors of the Tribunal;".

#### STATEMENT OF OBJECTS AND REASONS

The Inter-State Water Disputes Act, 1956 was enacted to provide for the adjudication of disputes relating to waters of inter-State rivers and river valleys under article 262 of the Constitution. However, a number of issues such as the time taken in setting up the tribunals under the Act, the long time which is generally taken by the tribunals to adjudicate and give awards and difficulties faced in their implementation, etc., have given rise to concern and require remedial steps.

- 2. The Commission on Central-State Relations (Sarkaria Commission), in its report, recommended amendments in the Inter-State Water Disputes Act, 1956. These recommendations, inter alia, pertain to the adjudication of the disputes by the tribunals in a time bound manner, to provide for effective implementation of their decisions and setting up of a data bank and information system at the national level for each river basin. These recommendations have been considered at length initially by the Sub-committee of the Inter-State Council and then by its Standing Committee before being approved with certain modifications by the Inter-State Council. Accordingly, it is now proposed to amend the aforesaid Act on the above lines.
  - 3. The Bill seeks to achieve the above objects.

New Delhi;

ARJUN CHARAN SETHI.

The 26th February, 2001.

# PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 5/2/98-BM/Vol. III dated the 14th February, 2001 from Shri Arjun Charan Sethi, Minister of Water Resources to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill to amend the Inter-State Water Disputes Act, 1956 and matters connected therewith recommends the introduction of the Bill in Lok Sabha under article 117(1) of the Constitution and consideration of the Bill under article 117(3) of the Constitution.

#### FINANCIAL MEMORANDUM

The Bill contemplates that the Central Government shall maintain a data bank and information system at the national level for each river basin. As the mechanism for setting up of a data bank and information system has not been worked out, it is not feasible at this stage to estimate the amount of expenditure involved to implement the provisions of the proposed legislation.

2. In view of the aforesaid, the provisions of the Bill, if enacted and brought into operation would involve expenditure of a recurring nature on the collection of data but would not involve any other expenditure of a recurring or non-recurring nature.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill inserts new section 9A in the Inter-State Water Disputes Act, 1956 which empowers the Central Government to make rules for the maintenance of a data bank and information system for each river basin.

- 2. Clause 8 of the Bill seeks to empower the Central Government to make rules regarding the terms and conditions of assessors of the Tribunal.
- 3. The matters in respect of which rules may be made are matters of procedure or administrative detail. The delegation of legislative power is, therefore, of a normal character.

G.C. MALHOTRA, Secretary-General.